scheme rather than a circuit switching scheme. This system seeks to provide an "all-in-one" broadband access solution for the operator supporting a variety of data and voice applications on a single integrated platform (see "Summary of the Invention", page 1 of the present application).

Turning first to the features of independent claims 1 and 5, independent apparatus claim 1 specifies that each subscriber unit comprises "an analog converter operative to translate incoming information in IP packet format into analog voice representation and to feed said analog voice representation to the telephone host, and to receive incoming analog voice information from the telephone host, to translate said incoming analog voice information into IP packet formatted information and to feed said IP packet formatted information to the base station". Also, independent apparatus claim 1 further specifies that each subscriber unit comprises "a packet switcher operative to perform packet switching on IP packets arriving from the base station connected to the subscriber unit, including routing IP packets for hosts other than the telephone host to the those hosts and routing IP packets for the telephone host to the analog converter".

The Examiner concedes that Farris fails to disclose these two features of the present invention and it is here that reliance on Menard is asserted -- a selective hindsight combination that would not have been suggested to one of ordinary skill in the art in 1999 as explained below.

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Independent apparatus claim 1 also specifies that the "base station is operative to perform packet switching on incoming IP packets based on an IP destination address included in each said incoming IP packet", which the Examiner suggests is anticipated by column 10, lines 2-20 of Farris. However, this portion of Farris describes the functionality of the Internet Modules (items 72 and 74 in Figures 4, 13 and 14), which each act as a packet assembler/disassembler (PAD) to receive digitized speech in DSO format over the trunk connection and assemble it into packets in TCP/IP format (see column 9, line 66 to column 10, line 4). Since it is within the Internet Module that the IP packets are created, this component of Farris cannot be considered to anticipate the claimed feature in which the base station performs packet switching on incoming IP packets based on an IP destination address included in each incoming IP packet. That is to say, the IP packets in the present invention are formed before they reach the base station, not within it.

Furthermore, independent apparatus claim 1 requires a "gateway unit operative to switch incoming data packets onto the data network, to translate incoming voice packets from IP packet format into analog voice representation and to switch said analog voice representation onto the PSTN". The Examiner suggests that this feature is anticipated by column 10, lines 20-29 of Farris. However, this portion of Farris discloses a rather different functionality. Considering Figure 4 of Farris, the cited portion of Farris describe how an Internet Module (e.g. 74) switches analog voice representation received

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from a telephone (e.g., 58) into IP packet format for passing to the Internet 84 and vice versa.

First it will be appreciated that this communication takes place via Internet 84 and not via PSTN 57. More significantly, this functionality is in fact quite the opposite to that required by the claimed invention. Consider Figure 1 of the present application in which a telephone call generated by one of the POTS telephones (far right) is converted by an End Point Unit (EPU) 60 into IP packet format and transmitted to the Air Interface Unit (AIU) and then passed to gateway 30, which then translates from the IP packet format into analog voice representation, which is forwarded to PSTN 50. In Farris, a telephone call (see, for example, Figure 13) is passed from telephone 58 to central office 52 and then to PSTN 57, without ever being converted into IP packet format.

Turning now to Menard, this document discloses apparatus and method for using a telephone set to place telephone calls on a packet network. The Examiner cites this document as allegedly teaching features which are conceded to be absent in Farris ("the analog converter" and "packet switcher" of claim 1). However, even if one were to accept, for the sake of argument, that these features of claim 1, per se, were fully disclosed by Menard, it is submitted that the skilled person (without any knowledge of applicant's invention) would have absolutely no motivation to combine selected features of Farris and Menard in the manner disclosed by the Examiner.

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As motivation for the combination, the Examiner cites column 3, lines 48-57 of Farris which outlines a desire to provide "an economical and convenient telephone service via the Internet without requiring the possession of computing equipment" and to provide "impulse access to the Internet for voice communications without requiring maintenance of a subscription to an Internet access service".

Most significantly, this portion of Farris forms the majority of the "Objects of the Invention" presented in that document. Hence, it will be appreciated that the skilled person seeking to find solutions to these problems, would look no further than Farris itself. As might be expected, Farris does indeed present solutions to these problems in, for example, column 8, lines 34-36 and column 10, lines 28-33. Furthermore, as can be seen from, for example, Figure 13, the end user in Farris has the ability to connect wirelessly to the network (PSTN or Internet), either via a telephone (79, say) or a personal computer (83, say). The IP packet creation that is necessary for communication via the Internet 84 in Farris is already provided, and conveniently centrally located in Internet Modules 72 and 74, and therefore the skilled person would have no motivation to replicate this IP packet generating facility multiple times in each end user station.
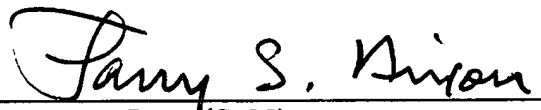
Hence, Examiner's combination of Farris and Menard is based entirely on hindsight and, in any event, even if combined arguendo, these two documents together still do not disclose all features of independent claims 1 and 5 for reasons discussed above.

Accordingly, this entire application is now believed to be in allowable condition

and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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